THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.22514 of 2007

Between:

Smt.Dr.Sunkara Sashiparabha.

.. PETITIONER

and

The Mandal Revenue Officer and others.

.. RESPONDENTS

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ORDER:

Petitioner questions the resumption orders passed by the Mandal Revenue Officer-1st respondent as confirmed by the Revenue Divisional

Officer-2nd respondent, the Joint Collector-3rd respondent and the Government–4th respondent.

It is stated that the 1st respondent passed order in proceedings in Rc.No.285/2001/A, dated 10-01-2002, under Section 4 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"), resuming the lands admeasuring Ac.11-58 cents in Sy.Nos.144/3 to 5 and 145/2 to 5 of Gambiram Village, Anandapuram Mandal, Vishakapatnam District, into the Government custody on the ground that the lands admeasuring Ac.11-58 cents were assigned in the year 1961 to various assignees viz., Parupalli Venkanna an extent of Ac.2-00 cents; Parupalli Appayya an extent of Ac.2-00 gts; Mamidi Peda Appayya an extent of Ac.1-70 cents; Mamidi Pothayya an extent of Ac.1-50 cents; Parupalli Thotayya an extent of Ac.1-38 cents; Mamidi Ramudu an extent of Ac.1-50 cents and Mamidi Gurayya an extent of Ac.1-50 cents, and the said assignees sold the said lands in favour of one Smt.Rednam Sowbhagyavathi, W/o.Abi Krishna, who inturn sold the said lands in favour of one Smt.Sunkara Sashiprabha, W/o.Adinarayana Rao, and the petitioner purchased the said lands from the said Smt.Sunkara Sashiprabha vide registered Sale Deed, dated 30-10-1980, in violation of provisions of sub-section (2) of Section 3 of the Act. As against the said order of the 1st respondent, the petitioner filed an appeal before the 2nd respondent under Section 4-A (1) of the Act and the 2nd respondent held that purchase of the lands in question by the petitioner in the year 1980 is in contravention of provisions of Sub-Section (2) of Section 3 of the Act and accordingly dismissed the appeal through his order in D.Dis.No.585/2002/B, dated 03-08-2002. Aggrieved by the same, the petitioner filed a revision under Section 4-A (2) of the Act before the 3rd respondent and the 3rd respondent held that according to the provisions under BSO 15 para 12(3), the lands assigned to the landless poor shall not be alienated. But, in the instant case, the assignees sold the lands assigned to them in contravention of the provisions of the Act and in violation of terms and conditions prescribed under BSO. The petitioner as well as the vendors of the petitioner purchased

the said lands without verifying the nature of the lands, which are assigned lands. Therefore, the said purchase is in violation of sub-section (2) of Section 3 of the Act and accordingly dismissed the revision through order, dated 30-12-2005, in Rc.No.1533/2002-E.1. As against the said order, the petitioner filed a revision before the 4th respondent and the 4th respondent through its order, dated 29-12-2006, in proceedings No.5165/Assign.I(2)/2006 considered all the contentions of the petitioner in detail and dismissed the revision upholding the orders passed by the Joint Collector, the Revenue Divisional Officer and the Mandal Revenue Officer.

Learned counsel appearing for the petitioner submits that the lands in question are assigned prior to the Act, 1977, came into force and the petitioner is a landless poor person and as per Section 3(5) of the Act, the provisions of the said Act will not apply in respect of the lands purchased by the landless poor for a valuable consideration from the assignees.

Admittedly, as per Sub-Section (5) of Section 3 of the Act, if any assigned land is purchased by the landless poor person in good faith for valuable consideration from the original assignee prior to the commencement of the Act, then the said Act will not be applicable. But, in the instant case, the petitioner purchased the lands in question after the Act 1977 came into force and, therefore, it cannot be said that the petitioner is entitled to the benefit of Section 3(5) of the Act.

In view of the aforesaid facts and circumstances of the case and in view of the concurrent findings recorded by the Mandal Revenue Officer, the Revenue Divisional Officer, the Joint Collector and the Government, I do not see any merit in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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26-10-2007

Prv